GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Appeal petition filed by Sri P.Ravikumar, S/o Samivelu @ Samuel, against the Proceedings No.Roc.C3/5883/99, dated:07.05.2000 of the District Collector, Chittoor - under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders -Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.Ms.No.2 Dated:05.01.2018
Read the following:

1. Proceedings of the Dist. Collector, Chittoor, No.Roc.C3/5883/99, dated:07.05.2000.
2. Order of the Hon'ble High Court of A.P., Hyderabad in W.P.No.26111 of 2000, dt:08.09.2008.
3. Appeal Petition from P. Ravikumar S/o Samivelu@ Samuel, R/o Puttur, Chittoor District, dated:01.10.2008.
4. Govt. Memo No.9797/CV.1/2008, S.W. Department, dated 20.11.2008.
5. From the Dist. Collector, Chittoor Roc.No.C3/17624/2008, dt.21.02.2013.
6. Govt. Memo No.9797/CV.1/2008, S.W. Department, dated 03.04.2013.
7. Govt. Letter No.9797/CV.1/2008, S.W. Department, dated 03.04.2013.
8. Govt. Memo No.9797/CV.1/2008, S.W. Department, dated 13.12.2013, 01.01.2014, 27.01.2014,11.03.2015, 08.04.2015,18.11.2015, 28.04.2016 & 30.11.2016.
9. Govt. Memo No.9797/CV.1/2008, S.W. Department, dated 17.08.2017.
10. Written arguments filed by the appellant through his Counsel before the Appellate Authority on 16.09.2017.

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ORDER:

In the reference 1st read above, the District Collector, Chittoor has issued orders canceling the SC – Adi-Andhra Caste Certificates obtained from the then Tahsildar, Narayanavanam & Puttur, Chittoor District on 1982 & 1984 by Sri P.Ravikumar, S/o Samivelu @ Samuel, as he does not belonging to Adi-Andhra, S.C. Caste.

2. In the reference 2nd read above, Sri P.Ravikumar, S/o Samivelu @ Samuel has filed W.P.No.26111/2000 before the Hon'ble High Court of A.P., Hyderabad against the proceedings No.Roc.C3/5883/99, dated:07.05.2000 of the District Collector, Chittoor. The Hon'ble High Court of A.P., Hyderabad while disposing the said W.P., on 08.09.2008 has ordered that the petitioner is permitted to file appeal within three (3) weeks from today and if such an appeal is filed, the appellate authority (Government) shall entertain and dispose of the same on merits, within a period of three (3) months thereafter. Since the impugned order has been suspended by the Court on 27.12.2000, which is in force till date, interests of justice would be met, if status quo as on today is continued for a period of four (4) months from today. But due to several administrative difficulties, the matter could not be disposed before the said date however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

3. In the reference 3rd read above, Sri P.Ravikumar, S/o Samivelu @ Samuel, has filed an Appeal Petition before the Government, against the said Proceedings of the District Collector, Chittoor as per the directions of the Hon'ble High Court of A.P., Hyderabad in W.P.No.26111/2000, dated 08.09.2008. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, Chittoor, dated 07.05.2000 and called for the parawise remarks and connected records from the District Collector, Chittoor, in the reference 4th read above.

(P.T.O)

4. In the reference 5th read above, the District Collector, Chittoor has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri P.Ravikumar, S/o Samivelu @ Samuel.

5. The said Appeal Petition has been posted for hearing on 27.04.2013, 21.12.2013, 06.01.2014, 10.02.2014, 04.04.2015, 18.04.2015, 28.11.2015, 14.05.2016, 24.12.2016 and finally on 16.09.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 7th to 9th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The Appellant/ the Counsel for the appellant have attended the hearing on 16.09.2017, argued their case and filed written arguments in support of his SC – Adi-Andhra community claim through his Counsel in the reference 10th read above.

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Chittoor and proceedings of the District Collector, Chittoor, dated 07.05.2000, the Appellate Authority has observed that:

I. The appellant in his grounds has stated that he belongs to SC Community (Mala Adi-Andra). His father is an Ex-Service man who worked in Second World War prior to independence and China war after independence. The appellant and his father owned agricultural lands and got the Pattadar Pass-Book and the title Deeds in the name of the appellant and his father wherein their caste is mentioned as “Mala” community. He got the dealership in LPG Distribution agency of Hindustan Petroleum Corporation at Puttur Town in Chittoor District, which is reserved for SC category.

II. The District Level Scrutiny Committee has observed that on basing on the complaint of the District Supply Officer, Chittoor, the SC-Adi Andhra community claim of Sri P.RaviKumar was placed before the DLSC and during the enquiry the applicant has not produced any recorded evidence with regard to SC- Adi-Andhra community claim, after verifying the report of the MRO, Narayanavanam and RDO, Chittoor and the statement of appellant’s father the DLSC has given finding that Sri P.RaviKumar is belongs to Christian(Adi Andhra) (BC-C) community. Based on the findings of the DLSC, the District Collector has cancelled the appellant SC-Adi Andhra caste certificate.

III. Under section 6(3) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The appellate authority is observed that during the course of arguments that the appellant filed written arguments and submitted that he was not converted to Christianity and he is Hindu and the lower authority wrongly treated him as Christian. On verification of the arguments and the documents and the grounds of appeal and para wise remarks as well as the other documents and material available on the record it is noticed that the entire school record reveals that the appellant belongs to Hindu and there is no dispute as the caste of the appellant and the dispute only with regard to the religion and as seen from the record that the appellant brought up as Hindu Adi-Andhra and caste falls under Scheduled Caste Community. The said factor indicates that the appellant born and brought up in the community fold for which he is claiming, it is further observed that as per the record, the appellant is

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the Scheduled Caste Community and the Appellant is accepted by the Community of his as such the appellant shall be treated as Scheduled Caste Community and that taking consideration of the above and the material available on the record that it can be concluded that the lower Authority failed to observe the above findings.

7. In view of the above reasons recorded in the paras supra and after careful examination of the appeal petition, the Government in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allow the Appeal Petition filed by Sri P.Ravikumar, S/o Samivelu @ Samuel, by upholding his Scheduled Caste(Adi- Andhra) claim and the Proceedings of the District Collector, Chittoor issued in the reference 1st read above are hereby set-aside.

8. The District Collector, Chittoor is directed to take necessary consequential action in the matter.

9. The records (containing Roc.C3/5883/99, dated:07.05.2000, pages: CF 1 to 354 & NF 1 to 37 pages) received from the District Collector, Chittoor through the reference 5th read above, are returned herewith in original to the District Collector, Chittoor and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Chittoor.
(with original records) (BY RPAD)

Sri. P. Ravikumar S/o Sri Samivelu,
R/o D.No.23-196, Tirupathi Road, Puttur, Chittoor District.

Sri. G. Ramachandra Reddy, Advocate,
Flat No.14, Block No.16, H.I.G.II., Baghlingampally, Hyderabad.

Copy to:

The PS to M(SWE&TWE)
The P.S. to Prl. Secretary(SW).

// FORWARDED:: BY ORDER //

SECTION OFFICER